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SEP 18 2006

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6  
7 IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF ALASKA  
8 AT ANCHORAGE

9 SALLY C. PURSER, )

10 )  
11 Plaintiff, )

12 v. )

13 JOSEF F. BOEHM, ALLEN K. )  
14 BOLLING and BAMBI TYREE )

15 Defendants. )

) DEFENDANT JOSEF BOEHM'S RESPONSE  
) TO PLAINTIFF'S FIRST SET OF  
) DISCOVERY

16 ) CASE NO.: 3:05-CV-0085-JKS

17 GENERAL STATEMENT

18  
19 Responding Party has not fully completed his investigation of  
20 the facts relating to this case, has not fully completed his  
21 discovery in this action, and has not completed his preparation for  
22 trial. All of the Responses contained herein are based upon only  
23 such information and documents as are presently available to and  
24 specifically known to this Responding Party, and discloses only  
25 those contentions which presently occur to such Responding Party.  
26 It is anticipated that further discovery, independent  
27 investigation, legal research and analysis will supply additional  
28 facts, adding meaning to known facts, as well as establish entirely  
new factual conclusions and legal contentions, all of which may

1 lead to substantial additions to, changes in, and variations from  
2 the contentions set forth herein. The following Responses are  
3 given without prejudice to Responding Party's right to produce  
4 evidence of any subsequently discovered fact or facts, documents or  
5 tangible things, which this Responding Party may later recall or  
6 discover. Responding Party accordingly reserves the right to  
7 change any and all Responses herein as additional facts are  
8 ascertained, analyses are made, legal research is completed, and  
9 contentions are made. The Responses contained herein are made in a  
10 good faith effort to supply as much factual information, documents,  
11 tangible things, and as much specification of legal contentions as  
12 is presently known, and should in no way be to the prejudice of  
13 Responding Party in relation to further discovery, research or  
14 analysis.

15 **RESPONSE TO INTERROGATORIES**

16 **RESPONSE TO INTERROGATORY NUMBER 1:**

17       Objection, irrelevant and not reasonably calculated to lead to  
18 the discovery of admissible evidence. Objection, overly broad.  
19 Objection, invasion of privacy. Objection, burdensome. Objection,  
20 requests confidential proprietary business information. Objection,  
21 Defendant's ability to pay is not a determining factor in which to  
22 prove liability or damages. Plaintiff's request is not relevant to  
23 determine Defendant's liability nor is it relevant to prove  
24 Plaintiff's damages.

25 **RESPONSE TO INTERROGATORY NUMBER 2:**

26       Objection, irrelevant and not reasonably calculated to lead to  
27 the discovery of admissible evidence. Objection, overly broad.  
28 Objection, invasion of privacy. Objection, burdensome. Objection,  
requests confidential proprietary business information. Objection,

1 Defendant's ability to pay is not a determining factor in which to  
2 prove liability or damages. Plaintiff's request is not relevant to  
3 determine Defendant's liability nor is it relevant to prove  
4 Plaintiff's damages.

5  
6 **RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

7 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 1:**

8 Objection, irrelevant and not reasonably calculated to lead to  
9 the discovery of admissible evidence. Objection, overly broad.  
10 Objection, invasion of privacy. Objection, burdensome. Objection,  
11 requests confidential proprietary business information. Objection,  
12 Defendant's ability to pay is not a determining factor in which to  
13 prove liability or damages. Plaintiff's request is not relevant to  
14 determine Defendant's liability nor is it relevant to prove  
15 Plaintiff's damages.

16  
17 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 2:**

18 Objection, irrelevant and not reasonably calculated to lead to  
19 the discovery of admissible evidence. Objection, overly broad.  
20 Objection, invasion of privacy. Objection, burdensome. Objection,  
21 requests confidential proprietary business information. Objection,  
22 Defendant's ability to pay is not a determining factor in which to  
23 prove liability or damages. Plaintiff's request is not relevant to  
24 determine Defendant's liability nor is it relevant to prove  
25 Plaintiff's damages.

26  
27 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 3:**

28 Objection, irrelevant and not reasonably calculated to lead to  
the discovery of admissible evidence. Objection, overly broad.

1 Objection, invasion of privacy. Objection, burdensome. Objection,  
2 requests confidential proprietary business information. Objection,  
3 Defendant's ability to pay is not a determining factor in which to  
4 prove liability or damages. Plaintiff's request is not relevant to  
5 determine Defendant's liability nor is it relevant to prove  
6 Plaintiff's damages.

7  
8 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 4:**

9 Objection, irrelevant and not reasonably calculated to lead to  
10 the discovery of admissible evidence. Objection, overly broad.  
11 Objection, invasion of privacy. Objection, burdensome. Objection,  
12 requests confidential proprietary business information. Objection,  
13 Defendant's ability to pay is not a determining factor in which to  
14 prove liability or damages. Plaintiff's request is not relevant to  
15 determine Defendant's liability nor is it relevant to prove  
16 Plaintiff's damages.

17  
18  
19 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 5:**

20 Objection, irrelevant and not reasonably calculated to lead to  
21 the discovery of admissible evidence. Objection, overly broad.  
22 Objection, invasion of privacy. Objection, burdensome. Objection,  
23 requests confidential proprietary business information. Objection,  
24 Defendant's ability to pay is not a determining factor in which to  
25 prove liability or damages. Plaintiff's request is not relevant to  
26 determine Defendant's liability nor is it relevant to prove  
27 Plaintiff's damages.

28  
**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 6:**

1       Objection, irrelevant and not reasonably calculated to lead to  
2 the discovery of admissible evidence. Objection, overly broad.  
3 Objection, invasion of privacy. Objection, burdensome. Objection,  
4 requests confidential proprietary business information. Objection,  
5 Defendant's ability to pay is not a determining factor in which to  
6 prove liability or damages. Plaintiff's request is not relevant to  
7 determine Defendant's liability nor is it relevant to prove  
8 Plaintiff's damages.

9  
10 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 7:**

11       Objection, irrelevant and not reasonably calculated to lead to  
12 the discovery of admissible evidence. Objection, overly broad.  
13 Objection, invasion of privacy. Objection, burdensome. Objection,  
14 requests confidential proprietary business information. Objection,  
15 Defendant's ability to pay is not a determining factor in which to  
16 prove liability or damages. Plaintiff's request is not relevant to  
17 determine Defendant's liability nor is it relevant to prove  
18 Plaintiff's damages.

19  
20 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 8:**

21       Objection, irrelevant and not reasonably calculated to lead to  
22 the discovery of admissible evidence. Objection, overly broad.  
23 Objection, invasion of privacy. Objection, burdensome. Objection,  
24 requests confidential proprietary business information. Objection,  
25 Defendant's ability to pay is not a determining factor in which to  
26 prove liability or damages. Plaintiff's request is not relevant to  
27 determine Defendant's liability nor is it relevant to prove  
28 Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 9:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 10:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 11:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 12:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 13:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 14:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 15:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 16:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 17:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.



**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 18:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER 19:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove Plaintiff's damages.

**RESPONSE TO REQUEST FOR ADMISSIONS**

**RESPONSE TO REQUEST FOR ADMISSION NUMBER 1:**

Objection, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Objection, overly broad. Objection, invasion of privacy. Objection, burdensome. Objection, requests confidential proprietary business information. Objection, Defendant's ability to pay is not a determining factor in which to prove liability or damages. Plaintiff's request is not relevant to determine Defendant's liability nor is it relevant to prove

1 Plaintiff's damages.

2  
3 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 2:**

4       Objection, irrelevant and not reasonably calculated to lead to  
5 the discovery of admissible evidence. Objection, overly broad.  
6 Objection, invasion of privacy. Objection, burdensome. Objection,  
7 requests confidential proprietary business information. Objection,  
8 Defendant's ability to pay is not a determining factor in which to  
9 prove liability or damages. Plaintiff's request is not relevant to  
10 determine Defendant's liability nor is it relevant to prove  
11 Plaintiff's damages.

12  
13 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 3:**

14       Objection, irrelevant and not reasonably calculated to lead to  
15 the discovery of admissible evidence. Objection, overly broad.  
16 Objection, invasion of privacy. Objection, burdensome. Objection,  
17 requests confidential proprietary business information. Objection,  
18 Defendant's ability to pay is not a determining factor in which to  
19 prove liability or damages. Plaintiff's request is not relevant to  
20 determine Defendant's liability nor is it relevant to prove  
21 Plaintiff's damages.

22  
23 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 4:**

24       Objection, irrelevant and not reasonably calculated to lead to  
25 the discovery of admissible evidence. Objection, overly broad.  
26 Objection, invasion of privacy. Objection, burdensome. Objection,  
27 requests confidential proprietary business information. Objection,  
28 not a proper request as the subject matter of this request is a  
public record. Objection, Plaintiff's request is not relevant to

1 determine Defendant's liability nor is it relevant to prove  
2 Plaintiff's damages.

3  
4 Without waiving the aforementioned objections, Responding  
5 party responds as follows:

6 I admit to entering into a plea agreement that made no  
7 specific reference to Sally Purser. The plea agreement does not  
8 contain language setting forth the elements required to be  
9 established to prove liability as it relates to plaintiff's causes  
10 of action. The validity of the plea agreement is currently subject  
11 to dispute.

12  
13 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 5:**

14 Objection, irrelevant and not reasonably calculated to lead to  
15 the discovery of admissible evidence. Objection, overly broad.  
16 Objection, invasion of privacy. Objection, burdensome. Objection,  
17 requests confidential proprietary business information. Objection,  
18 Defendant's ability to pay is not a determining factor in which to  
19 prove liability or damages. Plaintiff's request is not relevant to  
20 determine Defendant's liability nor is it relevant to prove  
21 Plaintiff's damages.

22  
23 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 6:**

24 Objection, irrelevant and not reasonably calculated to lead to  
25 the discovery of admissible evidence. Objection, overly broad.  
26 Objection, invasion of privacy. Objection, burdensome. Objection,  
27 requests confidential proprietary business information. Objection,  
28 Defendant's ability to pay is not a determining factor in which to  
prove liability or damages. Plaintiff's request is not relevant to

1 determine Defendant's liability nor is it relevant to prove  
2 Plaintiff's damages.

3  
4 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 7:**

5       Objection, irrelevant and not reasonably calculated to lead to  
6 the discovery of admissible evidence. Objection, overly broad.  
7 Objection, invasion of privacy. Objection, burdensome. Objection,  
8 requests confidential proprietary business information. Objection,  
9 Defendant's ability to pay is not a determining factor in which to  
10 prove liability or damages. Plaintiff's request is not relevant to  
11 determine Defendant's liability nor is it relevant to prove  
12 Plaintiff's damages.

13  
14 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 8:**

15       Objection, irrelevant and not reasonably calculated to lead to  
16 the discovery of admissible evidence. Objection, overly broad.  
17 Objection, invasion of privacy. Objection, burdensome. Objection,  
18 requests confidential proprietary business information. Objection,  
19 Defendant's ability to pay is not a determining factor in which to  
20 prove liability or damages. Plaintiff's request is not relevant to  
21 determine Defendant's liability nor is it relevant to prove  
22 Plaintiff's damages.

23  
24 September 12, 2006

KENNER LAW FIRM, A.P.C.

25  
26 By: 

Brett A. Greenfield  
Attorney for Josef Boehm

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on this 13<sup>th</sup> day of September, 2006. I  
3 caused a true and correct copy of the foregoing RESPONSE TO  
4 PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS to be delivered to the  
5 following via United States Certified Mail:

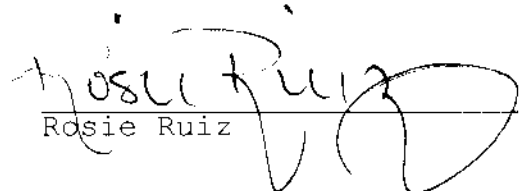
6 CARMEN E. CLARK, ESQ.  
7 INGALDSON, MAASSEN & FITZGERALD, P.C.  
8 813 W. 3<sup>RD</sup> AVENUE  
9 ANCHORAGE, AK 99501-2001

10 Bambi Tyree  
11 Inmate No: 13016-006  
12 FCI Dublin  
13 5701 8<sup>th</sup> Street-Camp Parks  
14 Dublin, CA 94568  
15 C.M. No.: 7002 2410 0006 6742 2539

16 Allen K. Bolling  
17 Inmate No: 14911-006  
18 USP Terre Haute  
19 U.S. Penitentiary  
20 P.O. Box 12015  
21 Terre Haute, IN 47801  
22 C.M. 7002 2410 0006 6742 2188

23 Darryl L. Jones  
24 109 W. 6<sup>th</sup> Ave., ste. 200  
25 Anchorage, Alaska 99501

26 Date: September 13, 2006

27  
28  
  
Rosie Ruiz